

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

KODA ALSHAWN COATS,

Petitioner,

v.

WILLIAM BARR,

Respondent.

No. 1:21-cv-00182-NONE-JLT (HC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS, DISMISSING  
PETITION FOR WRIT OF HABEAS  
CORPUS, DIRECTING CLERK OF COURT  
TO ASSIGN DISTRICT JUDGE FOR  
PURPOSE OF CLOSING CASE AND THEN  
TO CLOSE CASE; AND FINDING NO  
CERTIFICATE OF APPEALABILITY TO BE  
REQUIRED

(Doc. Nos. 1, 5)

Petitioner is a federal prisoner proceeding *in propria persona* with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241 in which he challenges the calculation of his sentence and the release date set by the U.S. Bureau of Prisons.

On February 18, 2021, the assigned magistrate judge issued findings and recommendations recommending that the petition be dismissed due to petitioner's failure to exhaust administrative remedies. (Doc. No. 5 (finding petitioner submitted a request for administrative remedy, which was denied, but did not file an appeal of the denial.) These findings and recommendations were served upon all parties and contained notice that any objections were to be filed within twenty-one (21) days from the date of service of that order. To date, no party has filed objections.

1           In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, the  
2 court has conducted a *de novo* review of the case. Having carefully reviewed the entire file, the  
3 court concludes that the magistrate judge's findings and recommendations are supported by the  
4 record and proper analysis.

5           The plain language of 28 U.S.C. § 2253(c)(1) does not require a certificate of  
6 appealability because this is an appeal from an order denying a petition for writ of habeas corpus  
7 pursuant to 28 U.S.C. § 2241, not a final order in a habeas proceeding in which the detention  
8 complained of arises out of process issued by a State court. *Forde v. U.S. Parole Comm'n*, 114  
9 F.3d 878 (9th Cir. 1997); *see also Ojo v. INS*, 106 F.3d 680, 681–82 (5th Cir. 1997); *Bradshaw v.*  
10 *Story*, 86 F.3d 164, 166 (10th Cir. 1996).

11           Accordingly, the court orders as follows:

12           1.       The findings and recommendations, filed February 18, 2021 (Doc. No. 5), are  
13                adopted in full;

14           2.       The petition for writ of habeas corpus is dismissed;

15           3.       The clerk of court is directed to assign a district judge to this case for the purpose  
16                of closing the case and then to enter judgment and close the case; and

17           4.       No certificate of appealability is required.

18           IT IS SO ORDERED.

19           Dated: April 15, 2021

  
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UNITED STATES DISTRICT JUDGE

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